

REMARKS

Claims 1 through 3, 5 through 9, and 11 through 16 are presented for consideration and remain pending upon entry of the instant response and request for reconsideration. Claims 4 and 10 are cancelled. Claims 1, 5 through 7, and 15 are amended for clarification.

The drawings are objected to under 37 C.F.R. §1.83(a). The Action asserts that the receiving means being moveable (claim 1 line 5) must be shown or the feature(s) canceled from the claim(s). Applicants respectfully submit that the drawings show every feature of the invention specified in the claims. Claim 1, line 5 recites "either one of the abutment means and the receiving means being moveable...". (emphasis added). In order to show this feature, the drawings must show that either the abutment means or the receiving means is moveable. Figures 3 and 3a show the abutment means (plunger 30) in a raised position relative to the receiving means (lower jaw 10 and upper jaw 16), whereas Figures 4 and 4a show the abutment means in a lowered position relative to the receiving means. Therefore, the drawings show that the abutment means are moveable, and therefore show that either one of the abutment means and the receiving means are moveable, as provided by claim 1. Accordingly, the drawings show every feature of the invention specified in the claims. Reconsideration and withdrawal of the objection to the drawings are respectfully requested.

Claim 1 stands rejected under 35 U.S.C. §112, second paragraph, as being indefinite.

The Action asserts that claim 1 recites the limitations "either one of the abutment means and the receiving means being moveable to cause a collapsing force" on line 5 and that it is unclear as to whether the abutment means or the receiving means are both movable or just one of the means stated above is movable. Applicants respectfully submit that the limitation "either one of the abutment means and the receiving means being moveable to cause a collapsing force," as recited in claim 1, does particularly point out and distinctly claim the

subject matter which the Applicants regard as their invention. The abutment means may be moved relative to the receiving means, as shown in the drawings, or by moving the receiving means relative to the abutment means. It is possible to imagine embodiments of the invention in which the receiving means move relative to the abutment means. Indeed, this would be the case, for example, if the device shown in the drawings were used upside down, with the button 32 resting on a surface. Applicants respectfully submit that the feature "either one of the abutment means and the receiving means being moveable to cause a collapsing force," as provided by claim 1, accurately describes the operation of the invention.

The Action asserts that claim 1 recites the limitations "biasing means for urging the receiving means into engagement with the blister pack" on line 7 and that it is unclear as to how the receiving means is urged into engagement with the blister pack. The Action further provides that it is generally understood and broadly construed by the Office to urge the abutment means. Claim 1 provides "biasing means for urging the receiving means into engagement with the blister pack." Page 6, second paragraph, lines 4 through 9 of the application provides that the biasing means bias the receiving means into a position in which the height of the blister is slightly greater than the distance between the two jaws, so that insertion of the blister tends to urge the jaws apart against the action of the biasing means, the jaws then being urged into engagement with the blister pack by the biasing means. Thus, the biasing means urges the receiving means into engagement with the blister pack, not the abutment means as provided by the Action.

Thus, Applicants respectfully submit that claim 1 is definite. Reconsideration and withdrawal of the rejection are respectfully requested.

Claims 1 through 7, 11, 15, and 16 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,909,822 to George et al. (hereinafter "George"). Claims 8, 9, and 12 through 14 stand rejected under 35 U.S.C. §103(a) as being unpatentable over George.

Claim 1 provides receiving means for receiving a blister pack with any selected one of a plurality of blisters of the pack in registry with the abutment means. The Action asserts that George provides receiving means comprising front receiving area of 12 forming shoulder 17 in Figure 1A for receiving a blister pack 10 with any selected one of a plurality of blisters 30 of the pack in registry with the abutment means 18 in Figure 1A. However, claim 1 also recites the receiving means comprising a pair of opposed jaws. The Action asserts that the bottom and top portions of dispenser housing 12 creating the opening for pill carrier 10 of Figure 1A of George are a pair of opposed jaws. Applicants respectfully disagree. The dispenser housing 12 of George forms a channel, not a pair of opposed jaws, between the bottom and top portions and the side portions of the dispenser housing 12, as clearly shown in Figure 1A.

Jaws are seizing members of a machine as for example in the case of a vice. In order to function as jaws they must firstly be moveable relative to one another so as to enable an object, which is to be seized, to be placed between them, and secondly, to be able to exert a seizing force on an object placed between them. For example, page 6, lines 7 through 10 provides "[t]he height of the blister is slightly greater than the distance between the two jaws at the recess 12, and the engagement of the blister 40 with the camming surface 24 therefore tends to urge the two jaws apart so as to allow the blister 40 to be inserted into disposed between the jaws." In contrast, as shown in Figure 1A, the upper and lower portions of the housing 12 of George are joined to one another by side walls that prevent the upper and lower portions of the housing from moving relative to one another, because they link the upper and lower portions. The upper and lower portions do not exert a seizing force on the pill carrier 10 when the pill carrier is inserted into the housing 12, but instead the pill carrier 10 is a sliding fit in the housing 12. This can be seen from the detent mechanism shown in Figure 1A, comprising curved fingers 60 attached to the pill carrier 10 and connected by cross member 62, which engages in stops 58. If the upper and lower portions of the housing 12 were able to exert a seizing force on the pill carrier 10, the detent mechanism would be unnecessary. Thus, George fails to disclose or suggest that the receiving means comprise a pair of opposed jaws, as recited by claim 1.

Claim 1 also provides that the apparatus includes biasing means for urging the receiving means into engagement with the blister pack. The Action identifies the spring 26 as biasing means for urging the receiving means into engagement with the blister pack. Applicants respectfully disagree. The spring 26 of George acts between the top of the dispenser housing 12 and the underside of the flange 22 of the plunger 14 to urge the plunger 14 upwards. The spring 26 has no effect on the upper and lower portions of the housing 12, which the Action has identified as receiving means. The receiving means of the pill dispenser of Figure 1A of George are not urged into engagement with the blister pack, and certainly not by the spring 26; as explained above, this is why the detent mechanism shown in Figure 1A is required.

Claim 1 further requires that receiving means is so arranged that said engagement releasably retains, and locates, the blister pack in position relative to the abutment means prior to the release of the tablet. The Action appears to assert that, because the different pill dispenser shown in Figure 9A has a member 128 that engages with the indentations 132, the pill dispenser of Figure 1A shows the feature of claim 1.

Applicants respectfully disagree. As previously explained, there is no engagement of the receiving means identified by the Action with the blister pack in the dispenser of Figure 1A of George. As there is no engagement between the receiving means and the blister pack, the detent mechanism constituted by curved fingers 60 attached to the pill carrier 10 and connected by cross member 62, which engages in stops 58, is provided and it is this detent mechanism that releasably retains, and locates, the blister pack in position relative to the abutment means prior to the release of the tablet in George.

Claim 1 also recites that biasing means is operable to bias the jaws into a neutral position, in which they are spaced apart so as to be able to receive a blister pack. The Action asserts that spring 26 is operable to bias the upper and lower portions of the housing 12 into a neutral position, in which they are spaced apart so as to be able to receive a blister. Applicants respectfully disagree. As explained

above, the spring 26 has no effect on the upper and lower portions of the housing 12. The upper and lower portions of the housing 12 of George are not biased into a neutral position, in which they are spaced apart, but rather are held in position relative to one another by the side walls of the housing 12, which link the upper and lower portions.


Therefore, George does not disclose or suggest the features of claim 1 that the receiving means comprise a pair of opposed jaws, that the apparatus includes biasing means for urging the receiving means into engagement with the blister pack, that the receiving means is so arranged that said engagement releasably retains, and locates, the blister pack in position relative to the abutment means prior to release of the table, nor that the biasing means is operable to bias the jaws into a neutral position, in which they are spaced apart so as to be able to receive a blister pack.

Accordingly, George neither discloses nor suggests these features, and claim 1 is novel and non-obvious over George, as are claims 2, 3, 5 through 9, and 11 through 16 by virtue of their dependency from claim 1. Reconsideration and withdrawal of the rejections are respectfully requested.

In view of the foregoing, Applicants respectfully submit that the present application is in condition for allowance. Such action is solicited. In the alternative, Applicants submit that the instant response places the present application in better condition for appeal.

Respectfully submitted,

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